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Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Austria, Belgium, Bulgaria, Chile, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Peru, Poland, Portugal, Romania, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 61/100 of 6 December 2006,

Recalling with satisfaction the adoption and the entry into force of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[1] and its amended article 1,[2] and the Protocol on Non-Detectable Fragments (Protocol I),[1] the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and its amended version,[3] the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),[1] the Protocol on Blinding Laser Weapons (Protocol IV),[4] and the Protocol on Explosive Remnants of War (Protocol V),[5]

[1] United Nations, *Treaty Series*, vol. 1342, No. 22495.
[2] See CCW/CONF.II 2 and Corr.1, part II.
[3] CCW/CONF.I/16 (Part I), annex B.
[4] Ibid., annex A.
[5] See CCW/MSP/2003/3, annex V, appendix II.

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Welcoming the results of the Third Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and commending the efforts of the President of the Conference,

Welcoming also the decision of the Third Review Conference to commission follow-up work under the oversight of the Chairman-designate of a meeting of States Parties to the Convention to be held from 7 to 13 November 2007 in Geneva,[6] and the decision to convene, as a matter of urgency, an intersessional meeting of governmental experts to consider further the application and implementation of existing humanitarian law to specific munitions that may cause explosive remnants of war, with particular focus on cluster munitions, including the factors affecting their reliability and their technical and design characteristics, with a view to minimizing the humanitarian impact of the use of these munitions,[7]

Welcoming further the holding, on 18 June 2007, of the meeting of the Preparatory Committee for the First Conference of the States Parties to Protocol V to be held on 5 November 2007 in Geneva for the purpose of consultations and cooperation on all issues related to the operation of the Protocol,

Recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto, and welcoming the particular efforts of various international, non-governmental and other organizations in raising awareness of the humanitarian consequences of explosive remnants of war,

1. *Calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] and the Protocols thereto, as amended, with a view to achieving the widest possible adherence to these instruments at an early date, and so as to ultimately achieve their universality;

2. *Calls upon* all States parties to the Convention that have not yet done so to express their consent to be bound by the Protocols to the Convention and the amendment extending the scope of the Convention and the Protocols thereto to include armed conflicts of a non-international character;

3. *Welcomes* the adoption by the Third Review Conference of a Plan of Action to promote universality of the Convention and its annexed Protocols,[8] and expresses appreciation for the efforts of the Secretary-General, as depositary of the Convention and its annexed Protocols, and the President of the Third Review Conference, on behalf of the High Contracting Parties, to achieve the goal of universality;

4. *Also welcomes* the decision of the Third Review Conference to establish a Compliance Mechanism in order to promote compliance and the full

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[6] See CCW/CONF.III/11 (Part II).

[7] Ibid.

[8] Ibid., annex III.

implementation of the obligations contained in the Convention and its annexed Protocols;[9]

5. *Further welcomes* the decision of the Third Review Conference to establish a sponsorship programme within the framework of the Convention,[10] and encourages States to contribute to the programme;

6. *Welcomes* the commitment by States parties to continue to address the humanitarian problems caused by certain specific types of munitions in all their aspects, including cluster munitions, with a view to minimizing the humanitarian impact of these munitions;

7. *Expresses support* for the work conducted by the Group of Governmental Experts and the decision of the Group, based on the substantive discussion on the application and implementation of existing humanitarian law at its intersessional meeting held in June 2007, without prejudice to the outcome, to recommend to the 2007 Meeting of the States Parties to the Convention to decide how best to address the humanitarian impact of cluster munitions as a matter of urgency, including the possibility of a new instrument;[11]

8. *Notes* the decision of the Third Review Conference to dedicate up to two days at the next Meeting of the States Parties in 2007 to the issue of mines other than anti-personnel mines;[12]

9. *Emphasizes* the importance of universalization of the Protocol on Explosive Remnants of War (Protocol V), and welcomes the commitment of States parties to the Protocol to the effective and efficient implementation of the Protocol;

10. *Notes* that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols thereto and to examine any proposed amendments or additional protocols;

11. *Requests* the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the Ninth Annual Conference of the High Contracting Parties to Amended Protocol II to the Convention to be held on 6 November 2007, for the First Conference of the States Parties to Protocol V to be held on 5 November 2007, and for the Meeting of the States Parties to the Convention to be held from 7 to 13 November 2007, as well as for any possible continuation of work after the Meetings, should the States parties deem it appropriate;

12. *Also requests* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform the General Assembly periodically, by electronic means, of ratifications and acceptances of and accessions to the Convention, its amended article 1,[2] and the Protocols thereto;

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[9] Ibid., annex II.

[10] Ibid., annex IV.

[11] See CCW/GGE/2007/3, annex III.

[12] See CCW/CONF.III/11 (Part II).

13. *Decides* to include in the provisional agenda of its sixty-third session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".